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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/048,130	05/09/2002	Hideo Yoshizawa	8373.262USWO	2854
23552	7590	02/07/2005	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			STRIMBU, GREGORY J	
			ART UNIT	PAPER NUMBER
			3634	

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/048,130

Applicant(s)

YOSHIZAWA, HIDEO

Examiner

Gregory J. Strimbu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 112

Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as "a vehicle window pane" on line 2 of claim 1 render the claims indefinite because it is unclear if the applicant is referring to the window pane set forth on line 1 or is attempting to set forth another window pane in addition to the one set forth above. Recitations such as "all vertical sections" on lines 3-4 of claim 1 render the claims indefinite because it is unclear if all of the vertical sections comprise part of the vertical section set forth above or if all of the vertical sections includes the vertical section set forth above. Recitations such as "said vertical section" on line 6 of claim 1 render the claims indefinite because it is unclear to which one of the plurality of vertical sections set forth above the applicant is referring. Recitations such as "a single radius of curvature" on line 2 of claim 2 render the claims indefinite because it is unclear if the applicant is referring to the same curvature set forth on line 6 of claim 1 or is attempting to set forth another curvature in addition to the one set forth above. Recitations such as "a compound curvature" on line 2 of claim 3 render the claims indefinite because it is unclear how the lateral section can have the same radius of curvature from lateral edge to lateral edge and have a compound radius of curvature from lateral edge to lateral edge at the same time. Recitations such as "one tangent vector having a maximum curvature" on line 6 of claim 4 render the claims indefinite because it is unclear how a vector which represents a force and a direction of that force can be curved. Recitations

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such as "all points . . . with each other orthogonally" on lines 8-9 of claim 4 render the claims indefinite because it is unclear what the applicant is attempting to set forth.

Recitations such as "all locations of sliding movement" on line 8 of claim 7 render the claims indefinite because it is unclear what comprises a location of sliding movement.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4 and 5, as best understood by the examiner, are rejected under 35 U.S.C. 102(b) as being anticipated by Keys et al. Keys et al. discloses a bi-directionally curved vehicle window pane 14 for slidable attachment to a motor vehicle comprising a vehicle window pane having an arcuately curved vertical section as shown in figure 2, wherein all vertical sections have a single or a same radius of curvature that corresponds to a radius of curvature of a predetermined sliding movement path followed by the vehicle window pane, and a curved lateral section as shown in figure 3 having a same radius of curvature at every position thereof, wherein the vertical section is a section along a plane parallel to the predetermined sliding movement path while the lateral section is a section along a plane intersecting the predetermined sliding movement path substantially at right angles thereto, the curvature of the curved vertical

section and the curvature of the curved lateral section are different from each other, and guide rails 32 and 34.

Claims 1 and 8, as best understood by the examiner, are rejected under 35 U.S.C. 102(b) as being anticipated by European Patent Application No. 0 477 913. European Patent Application No. 0 477 913 discloses a bi-directionally curved vehicle window pane 8 for slidable attachment to a motor vehicle, comprising a vehicle window pane 8 having an arcuately curved vertical section as shown in figure 3, wherein all vertical sections have a single or a same radius of curvature R1 that corresponds to a radius of curvature of a predetermined sliding movement path followed by the vehicle window pane, and a curved lateral section as shown in figure 3 having a same radius of curvature R2 at every position thereof, wherein the vertical section is a section along a plane parallel to the predetermined sliding movement path while the lateral section is a section along a plane intersecting the predetermined sliding movement path substantially at right angles thereto, the curvature of the curved vertical section and the curvature of the curved lateral section are different from each other.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 6, as best understood by the examiner are rejected under 35 U.S.C. 103(a) as being unpatentable over Keys et al. as applied to claims 1, 2, 4 and 5 above, and further in view of Sakai et al. Sakai et al. disclose a vehicle window glass having a compound curvature R1, R2, R3.

It would have been obvious to one of ordinary skill in the art to provide Keys et al. with a compound curvature, as taught by Sakai et al., in the lateral section to more accurately match the outer contour of the vehicle.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Keys et al. as applied to claims 1, 2, 4 and 5 above, and further in view of Sakai et al. Sakai et al. discloses a door body 24, 25 having an attachment space (not numbered, but seen in figure 6) and a pocket opening (not numbered, but seen in figure 6) and a window regulator 23, 27, 29, 30 and 31.

It would have been obvious to one of ordinary skill in the art to provide Keys et al. with a door construction, as taught by Sakai et al., to ensure the proper movement of the window pane into and out of the door.

Response to Arguments

Applicant's arguments filed December 12, 2004 have been fully considered but they are not persuasive.

With respect to the applicant's comments concerning Keys et al., the examiner respectfully disagrees. It should be noted that claim 1 requires that all vertical sections

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have a single radius of curvature, however, claim 1 does not set forth how many vertical sections are required. Accordingly, claim 1 only requires at least one vertical section.

Therefore, as set forth in the arguments in the previous office action, Keys et al. at least shows a section of the width and height that has a constant radius of curvature.

It should be noted that the claims, other than claim 7, do not require the pane to be disclosed as being used with an automobile. Therefore, any pane which meets the curvature limitations as set forth in the claims would anticipate the claims as long as that pane were capable of being used as recited.

Conclusion

THIS ACTION IS NOT MADE FINAL.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 703-305-3979. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Gregory J. Strimbu", followed by a stylized flourish or second signature.

Gregory J. Strimbu
Primary Examiner
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February 3, 2005